

CONFIDENTIAL
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOCKET & FILE

The Board of Trustees in their fiduciary capacity as the trustees of the New York Independent Contractors Alliance, Inc. ("NYICA") - Industry Advancement Fund and Construction Industry Alliance Fund and Donald J. Cranston, Jr. in his fiduciary capacity as President and Executive Director of NYICA,

and

Donald J. Cranston, Jr., Joseph Morande, Anthony Fasulo, David Montelle, Rocco Ciancio and Luciano Falzone, as Trustees and Fiduciaries of the Pavers and Road Builders District Council Welfare Fund,

Plaintiffs

vs.

AJ Pegno/Tully Construction, AJ Pegno Construction Corp., Chatterjee International Contracting, Diamond Asphalt Corp., Evergreen Recycling of Corona, Modern Continental Construction, Petracca & Sons, Inc., Posillico-Scalamandre Joint Venture, Raebeck Construction Corp., Reet Construction, T. Moriarty & Sons, Inc., Trocom Construction Corp., Tully Construction Co., Inc., Tully Construction/A.J. Pegno Construction Joint Venture, Tully Construction/Grace Industries, Urban Foundation-Engineering, L.L.C., Vales Construction Corp., and WM. A. Gross Construction Association,

Defendants

The motion for admission to practice pro hac vice in the above captioned matter is granted. The admitted attorney, JOHN T. FUSSELL, is permitted to argue or try this particular case in whole or in part as counsel or advocate.

CIVIL ACTION NO.
04 CV 2196 (FB)(KAM)(KAM)
~~(SAC)~~

ADMISSION TO
PRACTICE
PRO HAC VICE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT FOR S.D.N.Y.
JUL 17 2005
★ *John T. Fussell* ★

P.M. _____
TIME A.M. _____

cm

An attorney admitted to practice pro hac vice is required to pay a \$25.00 attorney admission fee and present this Order to the intake deputy clerk in the Clerk's Office. When paying by mail, return a copy of this Order to the Clerk's Office with the required fee.

This Order confirms your appearance as counsel in this case, and it will be entered on the Court's docket. A notation of your admission pro hac vice for the above listed case will be made on the roll of attorneys.

The attorney admitted pro hac vice must serve a copy of this Order on all other counsel in this case.

Dated: June 29, 2005

cc: Court File

United States District Judge

Kiyo A. Matsuimoto
United States Magistrate
Judge

Andrew A. Gorlick, Esq. (AG 8707)
GORLICK, KRAVITZ & LISTHAUS, P.C.
Attorneys at Law
17 State Street, 1th Floor
New York, NY 10004-1501

John T. Fussell, Esq. (JF 6444)
ROBERT M. CHEVERIE & ASSOCIATES, P.C.
333 East River Drive, Suite 101
East Hartford, CT 06108-4206

Peter D. Stergios (PS-4929)
Patrick M. Collins (PC-4182)
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, NY 10166

Angelo R. Bisceglie, Jr., Esq. (AB 9251)
Catherine Bo-Ling Liu, Esq. (CL 5569)
BISCEGLIE & FRIEDMAN, L.L.C.
One Newark Center
Newark, NJ 07102

Mr. Fussell is further
directed to register
for Electronic Case
Filing (ECF) within
two weeks of the date
of this order.

ORIGINAL

GORLICK, KRAVITZ & LISTHAUS, P.C.
Andrew A. Gorlick, Esq. (AG 8707)
17 State Street
New York, New York 10004-1501
(212) 269-2500
agorlick@gkllaw.com

FEE PAID
CLERK, U.S. DISTRICT COURT
E.D.N.Y.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOCKET & FILE

The Board of Trustees in their fiduciary capacity
as the trustees of the New York Independent
Contractors Alliance, Inc. ("NYICA") -
Industry Advancement Fund and Construction
Fund and Donald J. Cranston,

TRIPPLICATE

RECEIPT FOR PAYMENT
UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF NEW YORK
at BROOKLYN

311949

A062 SWEDA
(Rev. 4-90)

Fund	Description
6855XX	Deposit Funds
604700	Registry Funds
508800	General and Special Funds
085000	Immigration Fees
086900	Attorney Admission Fees
322340	Filing Fees
322350	Sale of Publications
322360	Copy Fees
143500	Miscellaneous Fees
322380	Interest
322386	Recoveries of Court Costs
121000	Restitution to U.S. Government
129900	Conscience Fund
504100	Gifts
613300	Crime Victims Fund
510000	Unclaimed Monies
510100	Civil Filing Fee (1/2)
	Registry Fee

REG. 06-27-05
DRAWER 1
1
PRO HAC VICE
6855XX
CHECK #
CHECK
1ND
08:07 AM
157196
#311949
\$25.00
12528
\$25.00

CIVIL ACTION NO.
04 CV 2196 (FB) (KAM)
(SMB)

NOTICE OF MOTION
TO ADMIT COUNSEL
PRO HAC VICE

June 24, 2005

CASE REFERENCE:

RECEIVED FROM: John 2196 (FB) (KAM)
John N. Chevrelle

PRO HAC Vice
John T. Russell

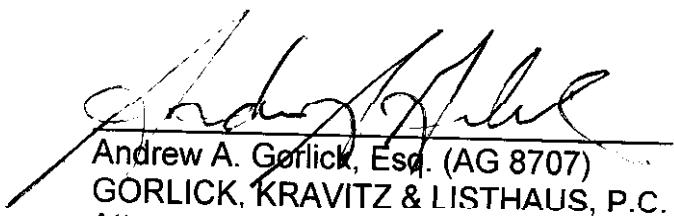
DEPUTY CLERK

PC

Checks and drafts are accepted subject to collection and full
credit will only be given when the check or draft has been
accepted by the financial institution on which it was drawn.

PLEASE TAKE NOTICE that upon the annexed Affidavit of John T. Fussell, Esq. in support of this motion and the Certificate of Good Standing annexed thereto we will move this Court before the Honorable Frederic Block at the United States Courthouse for the Eastern District of New York, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order allowing the admission of John T. Fussell, Esq., a member of the firm of Robert M. Cheverie & Associates, P.C. and a member in good standing of the Bar of the State of Connecticut, as attorney pro hac vice to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against him in any State or Federal court.

Respectfully submitted,



Andrew A. Gorlick, Esq. (AG 8707)
GORLICK, KRAVITZ & LISTHAUS, P.C.
Attorneys at Law
17 State Street, 4th Floor
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E-mail: agorlick@gkllaw.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DOCKET & FILE

The Board of Trustees in their fiduciary capacity as the trustees of the New York Independent Contractors Alliance, Inc. ("NYICA") - Industry Advancement Fund and Construction Industry Alliance Fund and Donald J. Cranston, Jr. in his fiduciary capacity as President and Executive Director of NYICA,

and

Donald J. Cranston, Jr., Joseph Morande, Anthony Fasulo, David Montelle, Rocco Ciancio and Luciano Falzone, as Trustees and Fiduciaries of the Pavers and Road Builders District Council Welfare Fund,

CIVIL ACTION NO.
04 CV 2196 (FB)(KAM)

**AFFIDAVIT OF
JOHN T. FUSSELL**

June 22, 2005

Plaintiffs

vs.

AJ Pegno/Tully Construction, AJ Pegno Construction Corp., Chatterjee International Contracting, Diamond Asphalt Corp., Evergreen Recycling of Corona, Modern Continental Construction, Petracca & Sons, Inc., Posillico-Scalamandre Joint Venture, Raebeck Construction Corp., Reet Construction, T. Moriarty & Sons, Inc., Trocom Construction Corp., Tully Construction Co., Inc., Tully Construction/A..J. Pegno Construction Joint Venture, Tully Construction/Grace Industries, Urban Foundation-Engineering, L.L.C., Vales Construction Corp., and WM. A. Gross Construction Association,

Defendants

State of Connecticut)
) ss. East Hartford
County of Hartford)

AFFIDAVIT OF JOHN T. FUSSELL

John T. Fussell, under penalty of perjury and in lieu of affidavit as permitted by 28 U.S.C. § 1746, declares as follows:

1. I am an attorney admitted to practice law in the State of Connecticut and am an attorney with the law firm of Robert M. Cheverie & Associates, P. C. of East Hartford, Connecticut.
2. I submit this Affidavit in support of my motion for admission to practice pro hac vice in the above-captioned matter.
3. I was admitted to practice by the Superior Court in Connecticut on March 4, 1996, and I am a member in good standing entitled to practice law in Connecticut. Attached you will find an original Certificate, with seal, stating that I am a member in good standing in the State of Connecticut. I am also admitted in the Federal District Court for the District of Connecticut, the Second Circuit Courts of Appeals, and the Supreme Court of the United States of America. In my legal practice, I have litigated under the federal laws and I have extensive experience with federal court practice.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.
5. I am familiar with the requirements of each of the following:
 - (a) the provisions of the Judicial Code (Title 28, U.S.C.), which pertain to the jurisdiction of, and venue in, the United States district courts;
 - (b) the Federal Rules of Civil Procedure;
 - (c) the Federal Rules of Evidence;

ROBERT M. CHEVERIE & ASSOCIATES, P.C.

COMMERCE CENTER ONE • 338 EAST RIVER DRIVE • SUITE 101 • EAST HARTFORD, CT 06108 • (860) 290-9610 • FAX (860) 290-9611 • JURIS NO. 405719

(d) the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York ("Local Civil Rules"); and

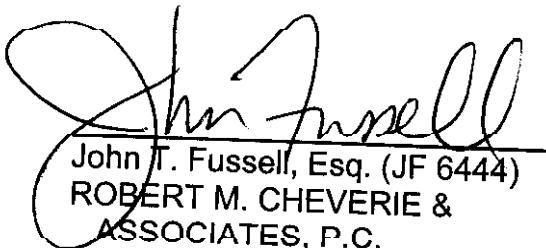
(e) the Individual Practices pertaining to matters before Judge Block.

6. I affirm that I will faithfully follow all of the applicable aforementioned procedures and rules.

7. Wherefore I respectfully submit that I be permitted to appear as counsel and advocate pro hac vice in this one case.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: June 22, 2005



John T. Fussell, Esq. (JF 6444)
ROBERT M. CHEVERIE &
ASSOCIATES, P.C.
333 East River Drive, Suite 101
East Hartford, CT 06108-4206
Tele: (860) 290-9610
E-mail: jfussell@cheverielaw.com



State of Connecticut

Supreme Court

I, Michele T. Angers, Chief Clerk of the Supreme Court of the State of Connecticut and keeper of the Seal thereof,

Do hereby certify that, in the Superior Court at Hartford ,
on the fourth , day of March ,
1996 ,

..... John Taylor Fussell

of

..... West Hartford, Connecticut

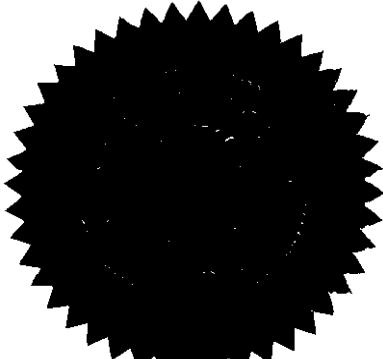
having been examined and found duly qualified, was sworn as an attorney and admitted to practice before all the courts of this state, that the person named above has been and is still a member in good standing of the Bar of this State.

*In Testimony Whereof, I have hereunto set my hand and affix
the Seal of the Supreme Court of the State of Connecticut, at
Hartford, this twentieth day of
..... June , 20 05 .*

Michele T. Angers

Michele T. Angers

Chief Clerk



CERTIFICATION

I hereby certify that a copy of the foregoing Notice of Motion to Admit John T. Fussell Pro Hac Vice and his annexed Affidavit were mailed, first class and postage prepaid, this 24 th day of June, 2005, to the following parties and/or counsel of record:

Attorney for Defendants

Peter D. Stergios (PS-4929)
Patrick M. Collins (PC-4182)
GREENBERG TRAURIG, LLP
200 Park Avenue
New York, NY 10166
Tele: (212) 801-9200

*Attorney for Plaintiffs Board of Trustees,
Industry Advancement Fund,
Construction Industry Alliance Fund
Donald Cranston,
Pavers and Road Builders District Council Welfare Fund
Anthony Franco*

Angelo R. Bisceglie, Jr., Esq.
Catherine Bo-Ling Liu, Esq.
BISCEGLIE & FRIEDMAN, L.I. C.
One Newark Center
Newark, NJ 07102



Michael J. Vollbrecht, Esq. (MV 1118)